

Supervisor Mark Illig called the regular meeting of the Pulteney Town Board to order at 7:00 PM on Wednesday, December 14, 2016, at the Pulteney Town Hall with the Pledge of Allegiance.

Present were: Supervisor Mark Illig; Councilman Mark Goodwin; Councilman Richard Musso; Councilman Michael Yastremski; Councilman Kathleen Burns; Attorney Jennifer Prossick; Highway Superintendent Terry Gibson; Town Clerk Erica Giambra; and Bookkeeper Rebecca Kirch.

Councilman Yastremski made motion seconded by Councilman Goodwin to accept the minutes of the November 9, 2016 regular Board meeting. All in favor. Carried.

Supervisor Illig stated all Board members should now have, as requested, the summary sheet of abstracts along with the abstracts and vouchers.

Councilman Burns made motion seconded by Councilman Yastremski to pay General Bills in the amount of \$13,467.71 being vouchers No. 16-258 to No. 16-261 and vouchers No. 16-262 to No. 16-283. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig commented the main expense for General this month was a portion of the annual payment to the NYS Local Employee's Retirement for 2017. The Town receives a discount if paid early in December.

Councilman Burns made motion seconded by Councilman Yastremski to pay Highway Bills in the amount of \$171,387.11 being vouchers No. 16-232 to No. 16-234, vouchers No. 16-235 to No. 16-251, and vouchers No. 16-252 to No. 16-253. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. Supervisor Illig noted the main expense this month for Highway was a payment of \$154,906.87 to Dolomite Products Co. for paving as discussed at previous meetings. The paving finally was completed and just in time 4 days prior to the first snowfall. A payment toward the Retirement was also accounted for.

Councilman Burns made motion seconded by Councilman Yastremski to pay Water District #1 Bills in the amount of \$78,942.15 being vouchers No. 16-119 to No. 16-121 and vouchers No. 16-122 to No. 16-136. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried. The main expense for Water this month was for the new Water Dep't truck with a one time payment of \$28,626.77. Delivery of the truck should be received by the end of this year. Another expense included the completed computer software upgrade through Aqualogics. The last system, lasting 8/9 years, was failing and could not be fixed any further. This upgrade is the newest and greatest. Water Operator Dluzak stated the system seems quite user friendly and he is satisfied with the upgrade. In addition, there was a portion toward the annual Retirement payment contributed as well.

Supervisor Illig noted there were some routine, especially at the end of the year, transfers to make this month. In the General Account for a total amount of \$2,400.00 to be transferred. Councilman Musso made motion seconded by Councilman Burns. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

In the Water Account for a total amount of \$1,050.00 to be transferred. Councilman Goodwin made motion seconded by Councilman Musso. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

There were no transfers within the Highway Account this month.

Taking a look at the balance sheets, Supervisor Illig stated the Town will have a surplus going into next year. In the General fund there is a projected \$75,000 surplus fund balance, which will be extremely beneficial since the 2017 General budget does not include contingency funding. In the Highway fund, there is a projected budget fund balance of \$78,000. This amount is already included and anticipated to be spent in the 2017 budget. We are also due to receive this month the remaining \$38,000 in CHIPS reimbursement. This will assist with the OT hours the Highway Dept has worked due to the several hours of snow plowing already this year.

Regarding reports, Clerk Giambra noted as a reminder tomorrow, Thursday December 15th, is the Town employee 2nd annual Christmas luncheon at the Town Hall at noon.

The Highway Department, Municipal Services, Water Department, Historian, and Justice reports were all available to review.

Municipal Services Manager Lauren Welch was not able to attend the meeting due to illness, but stated to Supervisor Illig he had nothing further aside from his report.

Clerk Giambra stated there was no dog report for this month, however she spoke with the DCO who stated they recently were given their annual inspection in which all was satisfactory, however there will be a new form to be filled out and filed concerning when dogs are sheltered. DCO will report back with further information.

Highway Supt. Gibson provided his monthly report, adding they have blacktopped Thomas Rd to Stone Rd and also Gloades Corners Rd from CR 74 to Stone Rd. In addition, with the help of the Towns of Urbana and Prattsburgh, and the County, they placed shoulders down. This road maintenance will be especially helpful and convenient when having funeral services at Thomas Cemetery. The new Highway truck is in Rochester. We are waiting for the new body to be delivered for mounting. Highway Supt. Gibson added he will contact Fischer tree service, whom we have used in the past, to get quotes in taking down more damaged trees in Glen View cemetery. He noted there are several older tipped over headstones in Glen View that he didn't know if the Town wanted to look into. It has always been the Town's position that monuments/headstones are not the responsibility of the Town, rather it is the sole responsibility of the family. However, for stones that are from the 1800's it remains to be seen if any surviving family exists nearby, therefore what is the Town to do with the tipped over stones? Supervisor Illig stated he will put this on the list of matters to attend to in the near future. We are still waiting on the results and findings of the recently conducted survey at Glen View. Hopefully we can report on next month.

Supervisor Illig mentioned aside from the Justice report, Town Justice Mary Hope Benedict has been sworn in and is all set to continue her re-elected term for the next 4 yrs.

For the Supervisor report, Supervisor Illig stated he will save his remarks until continuing with the agenda for new and old business.

As mentioned at the November meeting, Supervisor Illig stated the newly updated website is up and running. According to our webmaster, the site still needs some tweaking and also to provide training but overall is complete. This updated version is more user friendly and will allow Clerk Giambra to be able to directly post the agenda, approved minutes, and other important information so it can be viewed in a timely manner and be updated on a regular basis.

Highway Supt./Planning Board Chairman Gibson commented the Planning Board will be working on a Town solar ordinance. Matt Sousa, a representative from Steuben County Planning and Development, came to present the NYS Solar Model Law. It is the Town's position thus far to have a cap on the size and amount of solar energy produced for each district. Matt is going to attempt to find another Town that has adopted an ordinance similar to what the Town desires to model. Supervisor Illig stated potentially the ordinance would include banning solar farms in District 1, 2, and 4 with the exception of roof systems. For District 3, solar arrays (ground mounted unit) would be allowed within limits. Supervisor Illig stated the Planning Board has a good handle on the matter and should have a draft of an ordinance to bring to the Board tentatively in February. Supervisor Illig stated he will need to meet with Assessor Oliver and Atty. Prossick regarding taxation of solar systems. Councilman Musso questioned why have a cap on the size of the solar farms, in which Supervisor Illig noted a large farm system would not coincide with the Town Comprehensive Plan. Supervisor Illig reiterated everything the Planning Board recommends has to come in front of the Board first before any adoption occurs. Supervisor Illig stated a building permit was issued recently in Town for the first ground system which is being allowed for private use only to supply their farm/winery.

Under old business, Supervisor Illig stated the proposed 2017-2019 union contract was given to all Board members last month so they would have time to review and discuss this month. Councilman Musso questioned what is the proposed raise increase of 4% in 2017, 2% in 2018, and 2% in 2019 based on? Is it based on a performance review, cost of living, etc.? He stated it should be based on something rather than have a random set of increases. For example, he suggested if based on the actual yearly cost of living increase, then that is what yearly they should receive ranging from 0% to whatever the cost of living increase is. Councilman Musso asked the Board what their thoughts were regarding this suggestion. Councilman Burns stated in her position she gets a 1.5% raise determined by the cost of living and also budgetary constraints. Councilman Yastremski stated for contract purposes it should be based on both performance and cost of living. Performance wise, he stated our Town Highway employee's have a high degree of mechanical aptitude vs. other Towns and the County, in which they have to spend the time and finances to take equipment/machinery to a mechanic to fix. Councilman Yastremski also stated prior to negotiations, it was researched in the area what the average wage increase was and our proposed increase was within .50 and .75. Supervisor Illig stated the proposed contract is definitely within the average of other Towns with the exception of the 4% for 2017. For example, the Town of Urbana Highway employee's are at a 3%-3%-3% increase. That is actually originally what our Town Highway employee's requested, and we are coming in at 1% less than that Councilman Goodwin noted. Councilman Goodwin also stated in his position before he retired, he received a performance raise and then a cost of living raise on top of that. Overall, Supervisor Illig stated our employees would be receiving the general average in the proposed contract.

Councilman Musso questioned the proposed new hire stipulation in the contract allows them to receive full wages within the 3 years of hire. Councilman Musso suggested to place a freeze on a new hire raise and stay with base pay for the remainder of the contract. Councilman Musso also suggested that the Highway employee's have a 5 day work week during the school year, rather than the yearly 4 day work week. Highway Supt. Gibson stated that will not happen. He is the one that sets the days and hours and the 4 day yearly work week is what works best. Also due to clothing cost increase, there is a proposed increase of \$50.00 (from \$150 to \$200) for safety shoes. Councilman Musso questioned if the employee's really needed an additional \$200/per year? Supervisor Illig asked if the Board had any further comments, questions or motions that would like to be made prior to voting on the proposed contract. Councilman Musso made motion to base the raise increase on the government inflation rate not a random set rate. There was not a second motion made. Councilman Musso made motion to discontinue the safety shoe allowance, in which it would then be the employee's responsibility. There was not a second motion made. Supervisor Illig asked the Board if they were prepared to vote on the proposed contract, in which all agreed. Councilman Yastremski made motion seconded by Councilman Goodwin to approve the January 1, 2017 through December 31, 2019 contract between the Town of Pulteney and Teamsters Local Union No. 529. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, no; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

Continuing with old business, Supervisor Illig stated the Water Dep't presents to the Board the option to sell the current Water Dep't truck to the highest bidder through an auction, rather than the formal local bid process. Water Operator Dluzak added auctions usually have the highest payers and the Town does not have to take an offer. They can pick and choose which one they decide to take. We would advertise locally in the Southern Tier Shopper the website to the auction site, in which any individual could bid. This way the Town can receive the most amount of money for the truck by advertising not only locally, but on a national level as well. Supervisor Illig made motion seconded by Councilman Burns to adopt a Resolution to use a national auction site to sell the surplus Water Dep't truck. All in favor. Carried.

Under new business, Supervisor Illig announced the Zoning Board of Appeals had a meeting in November which was only their second meeting of the year. This is a confirmation that the Town/ZBA have a good system in place and works quite efficiently, in particularly thanks to Municipal Services Manager Welch. Supervisor Illig stated he is impressed with the community as well for abiding by and respecting the Town Zoning Law. In addition, credit to Dave Oliver that there is only 1 pending case regarding a grievance to the Board of Assessment Review out of over 1700 parcels we have in Town.

With Councilman Yastremski being elected in November to fill the 1 yr. vacancy term of Town Councilman, Clerk Giambra swore Councilman Yastremski into office with the oath and both signed. Councilman Yastremski will have to run again in the November 2017 election which he would then serve the traditional 4 year term.

Supervisor Illig stated with the year coming to an end, the Town has various Board appointments/reappointments to make that expire 12/31/16. With Alise Irwin relocating to Penn Yan, she submitted her resignation as Health Officer and also as Chairman of the Ethics Board. There is also another opening on the Ethics Board as Jim Sprague's term expires and does not wish to be reappointed. In addition, Denise Smith's

term on the ZBA, Pam Kelly on the Planning Board, and Robert Illi on the Ethics Board all expire 12/31/16. Denise and Pam have agreed to be reappointed and Virginia Illi has agreed to take over her husband's appointment on the Ethics Board. Supervisor Illig made motion seconded by Councilman Goodwin to accept the appointment of Chuck Dluzak as Chairman of the Ethics Board (5 yr. term), Pam Kelly to be appointed (to take over for Jim Sprague) on the Ethics Board (5 yr. term), reappointment of Denise Smith (ZBA) (5 yr. term), reappointment of Pam Kelly (Planning Board) (7 yr. term), and appointment of Virginia Illi on the Ethics Board (to take over for Robert Illi) (5 yr. term). All in favor. Carried. At the January Board meeting the Board will have to appoint a Health Officer (1 yr. term).

Supervisor Illig stated the Board has to schedule a year end meeting to finalize bills and close the books for the fiscal year. It was decided and agreed upon to schedule the meeting for December 28th at 3pm. Clerk Giambra will advertise per usual.

Continuing with new business, Water Operator Dluzak presents to the Board the notion to either eliminate the water transfer fee of \$35.00 or change the paperwork/system of collecting the fee. He explained when there is a transfer of property, hence a transfer of water ownership for water hookup that was already present on the property, there is a \$35.00 fee that the paperwork states can be paid by either the seller OR the buyer. W.O. Dluzak stated he spends more time tracking down the fee than its even worth due to the vague wording of who is actually responsible for paying the fee, in which both parties feel it is of course not theirs. W.O. Dluzak stated the Town wants to encourage individuals to hookup to the Town water system, therefore it is extreme to charge a \$350.00 hookup fee and then turn around and potentially charge \$35.00 (depending again on who decides to pay). Councilman Musso questioned if other Towns have a transfer fee in which W.O. Dluzak stated some do and others do not, it is completely up to the preference of each Town. Councilman Goodwin added if it would be possible to add the fee into the first water bill rather than having a transfer in the beginning. W.O. Dluzak stated that would be possible. It is completely up to the Board. Supervisor Illig made motion seconded by Councilman Burns to eliminate the water transfer fee of \$35.00 within the Town of Pulteney as of 1/1/17. Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, no; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

This year as in previous years, the Unified Court System requests a copy of a Board Resolution acknowledging that the required Town examination/audit of court records and dockets were conducted for either the calendar year ending 2015 or fiscal year ending in 2016. Clerk Giambra presented such documents to the Board. Councilman Goodwin made motion seconded by Councilman Burns to adopt the following Resolution:

A RESOLUTION

At the December 14, 2016 Town of Pulteney regular Board meeting, the Town Justice financial records and dockets, for the calendar year ending 2015 as requested, were examined and found to be acceptable within the standards of Municipal accounting procedures.

The Town Clerk is hereby authorized to send a copy of this Resolution and any necessary supporting documents to the appropriate authority within the State of New York Unified Court System.

Roll call vote: Councilman Burns, yes; Councilman Goodwin, yes; Councilman Musso, yes; Councilman Yastremski, yes; Supervisor Illig, yes. Carried.

Attest: Erica Giambra
Town Clerk, 14 December, 2016

As mentioned at the November meeting, Councilman Burns stated Steuben Senior Services, a non for profit agency, has also collected funds to honor Barb Welles and her love of gardening and the Pulteney Community Garden. The Board had discussed, with Attorney Prossick's advisement, they can accept the donation to add to what the Town has collected, by adopting a Board Resolution. Councilman Burns stated prior to adopting a Resolution and prior to accepting the donation, she wanted to discuss with the Board what the money would be used for. The money was originally going to be used for a bench or gazebo, now the gardening committee is discussing there are grants available that they could potentially receive a lot more money to build a pavilion rather than gazebo. She questioned however, if this would affect the Town insurance and the area around the pond and a need to look at all factors involved. Councilman Yastremski suggested a stand be built for fruits and vegetables that are being grown from the garden. There are indeed a lot of options that could be looked into, especially if grant money was received in addition. Supervisor Illig stated to go ahead and research grants available, the more money available and donated, the better. Any development would be great for the Community Garden and there is a lot of potential. He stated to accept the generous donation from Senior Services and The Board will adopt a Resolution regarding the donation at the January meeting. Clerk Giambra will place this on the agenda.

With nothing further from the public, and no need to enter into an executive session, Supervisor Illig wanted to thank all those for attending and their welcomed comments.

Supervisor Illig made motion seconded by Councilman Yastremski to adjourn the meeting. All in favor. Carried.

Meeting adjourned at 8:26 PM.

Town Clerk

